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OFFICE OF PETITIONS

In re Application of: :
Zoller et al. :
Application No. 10/725,488 : DECISION ON
Filed: December 3, 2003 : PETITION
For: FUNCTIONAL ASSAYS FOR :
IDENTIFYING COMPOUNDS THAT MODULATE:
T1R1/T1T3 (unami) TASTE :

This is a decision on the Petition filed October 12, 2004. The Petition requests the application be accorded a filing date of December 10, 2003, including Figure 10B described in the specification.

The application was filed on December 3, 2003. However, on April August 10, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") stating that the application had been accorded a filing date of December 3, 2003, and advising applicants that Figure 10b described in the specification appeared to have been omitted from the application.

In response, the present petition was filed wherein Applicant argues that the reference to Figure 10b in the specification was "intended to refer to 'Panel B' on [the] Figure 10" that was originally filed with the application on December 3, 2003. *Petition* at p.1-2. The petition is accompanied by a "Formal version of Figure 10 wherein the panel B legend (as well as Panels C through L) are more clearly labeled." Applicant asserts that the "Formal version of Figure 10" filed with the instant petition does not introduce new matter. *Petition* at p.2.

Applicant is advised that a petition is not required to add the drawing Figure. New drawings may be entered by the primary examiner without a petition so long as the drawings contain no new matter. See, MPEP § 608.02(a). Proposed drawing corrections are considered by the primary examiner in due course. See MPEP 608.02(h).

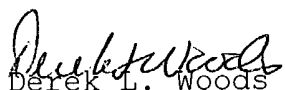
Regarding the Notice, the specification filed on December 3, 2003, describes Figure 10b. Since the drawings filed on December 3, 2003, did not include a figure labeled "Fig 10b", the "Notice" mailed August 10, 2004, was correct in advising applicants that drawing Figure 10b appeared to have been missing from the application. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition is dismissed.

The petition fee is required, since the petition was not necessary to correct any PTO error.

The application file is an Image File Wrapper ("IFW"), and as such, no forwarding of the file is necessary. An electronic mail message will be sent to the Office of Initial Patent Examination for further processing with a filing date of December 3, 2003, using the drawings filed on that date, and for processing the response to the Notice filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.



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